

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 5-15-2 and
PARAGRAPH (b) (9) OF SECTION 5-15-7, OF CHAPTER 5-
15 OF TITLE 5 OF THE ROCHESTER CODE OF
ORDINANCES RELATING TO THE REGULATION OF
MESSAGE THERAPISTS AND MESSAGE THERAPY
BUSINESSES

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Section 5-15-2 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 5-15-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accredited institution means an educational institution holding accredited status from a regional accrediting agency approved by the United States Department of Education presently or at the time the applicant obtained his diploma or certificate of graduation. The term "accredited institution" also includes a state-licensed institution or state-approved message apprenticeship program.

Applicant means any person filing an application with the city clerk seeking a message therapist or message therapy business license pursuant to this chapter.

Licensed premises means the premises described in the application for a message therapy business license issued pursuant to this chapter.

Licensee means any person issued a message therapist or message therapy business license pursuant to this chapter.

Massage therapist means a person who practices or provides therapeutic massage to another for a fee or other consideration paid either directly or indirectly. A massage therapist does not include a medical doctor, chiropractor, osteopath, podiatrist, licensed nurse, physical therapist, athletic doctor or trainer, or beautician (cosmetologist) or barber who confines his treatment to the scalp, face and neck or the lower leg and feet in the case of a pedicure.

Massage therapy or *therapeutic massage* means the scientific health care or health maintenance techniques or procedures carried out by a massage therapist involving the rubbing, tapping, pounding or kneading of a person's skin, muscles, and tissues or the stretching of body limbs (e.g., Thai massage) for the purpose of easing mental and physical tension, the breaking up of fatty tissues, relaxing muscles, or alleviating muscle

spasms, pain relief, aiding in the healing process, promoting health and wellness, and the improvement of circulation through the body.

Massage therapy business.

- (1) The term "massage therapy business" means any enterprise, establishment, or operation, whether under the control of an individual or legal entity, providing or offering to provide massage therapy within the city for a fee or other consideration paid either directly or indirectly, that:
 - a. Has one or more massage therapists, other than the owner, employed or contracted to provide massage therapy for the massage therapy business; and
 - b. Is located in a fixed location in a zoning district which permits massage therapy.
- (2) A massage therapy business does not include a health or medical facility, office or clinic operated by a state-licensed medical professional, or any health or medical-related business operated by a state-licensed medical professional, which provides therapeutic massage to its patients.

State-licensed institution means a private educational institution (apprenticeship, collegiate or career school) holding licensed status, registration and financial aid eligibility approved through the state in which it is located, presently or at the time the applicant obtained his diploma or certificate of graduation.

Student of massage therapy means a person who is enrolled in and attends classes at an accredited institution or at a state-licensed institution.

Section 2. Paragraph (b) (9) of Section 5-15-7 of the Rochester Code of Ordinances is hereby amended to read as follows:

Sec. 5-15-7. License application—Massage therapist license.

- (b) *Contents.* The application form, prepared by the city clerk, must contain the following information:
 - (1) The applicant's full name, address, date and place of birth, telephone number, weight, height, and eye color;
 - (2) The name, address and telephone number of the applicant's current employer;
 - (3) The applicant's employers, their addresses and the employment dates for the previous five years;
 - (4) The applicant's addresses for the previous five years;
 - (5) Other name, including date and place of use, used by the applicant;
 - (6) Proof of general liability insurance coverage in effect as required by this chapter (proof of insurance coverage may not be available to the applicant at time of application, but proof of insurance coverage shall be submitted to the city clerk prior to license issuance);

- (7) Proof of the applicant's identification and proof that the applicant is a United State citizen or is legally permitted to be in the United States. Proof of identification may be established only by one of the following:
- a. A valid driver's license that includes the person's photograph and date of birth, issued by the state, another state, a province of Canada or a state of Mexico;
 - b. A valid identification card, that includes the person's photograph and date of birth, issued by the state, another state, Mexico or Canada;
 - c. A valid military identification card issued by the United States Department of Defense;
 - d. A valid passport issued by the United States; or
 - e. In the case of a foreign national, a valid passport;
- (8) Information as to any and all criminal conviction of any state, county or local law or regulation;
- (9) One of the following optional minimum requirements:
- a. Proof of successful completion (a diploma or certificate of graduation) of a minimum of a 500 clock hours or 33 semester hours or 50 quarter hours comprehensive massage therapy program from an accredited institution or a state-licensed institution that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice;
 - b. Proof of passing the National Certification Exam offered through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or passing the Massage and Bodywork Licensing Examination (MBLEx) offered through the Federation of State Massage Therapy Boards; or
 - c. Completion of an apprenticeship program from a state- licensed institution. Passing the National Certification Exam offered through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or passing the Massage and Bodywork Licensing Examination (MBLEx) offered through the Federation of State Massage Therapy Boards will be required two (2) years after graduation.
 - ~~d-e.~~ Grant of reciprocity. Notwithstanding subsection (a) of this section, an applicant may be granted reciprocity from another jurisdiction if the applicant is currently licensed in the other jurisdiction and the other jurisdiction's licensing requirements are essentially equivalent, as determined at the discretion of the city clerk, to the licensing requirements found in this section. Once granted reciprocity, an applicant may be licensed under this section if the applicant has satisfied other nonjurisdictional and noneducational requirements of this section. All decisions made by the city clerk regarding reciprocity may be appealed to the common council.
- (10) Such other information as the city may require.

Section 3. This ordinance shall become effective from and after its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 6th December

ATTEST:


CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 




MAYOR OF SAID CITY